IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 14949 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANADIA NAROTTAM G. - Petitioner(s)

Versus

STATE OF GUJARAT & 1 - Respondent(s)

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Appearance :

MR ANSHIN H DESAI for Petitioner No(s).: 1.

MR PR ABICHANDANI APG for Respondent No(s).: 1, 2.

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 12/08/2005

ORAL JUDGMENT

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1. Rule. Learned AGP Mr. P.R. Abichandani waives service of rule on behalf of the respondents. At the joint request of learned Advocates appearing for the

parties, the petition is taken up for final disposal today.

2. The petitioner claiming to be an Ex-Army man has been applying to the Government for grant of land for his personal cultivation as per Government Policy. Initially, his application came to be rejected by the Collector by an order dated 4/5/2002. The petitioner approached the Government against the said order. His revision application came to be rejected on 6/7/2004. In the mean time, the petitioner had applied to the Collector again. His fresh application came to be rejected by an order dated 29/12/2003. It is the case of the petitioner that the authorities had decided the applications of the petitioner without considering relevant material on record and without hearing the petitioner.

3. One may notice that in the order dated 4/5/2002, the Collector had indicated the reason for rejection of the request of the petitioner that the land is guchar land and the guchar land is not sufficient; considering the number of cattle in village and, therefore, the request of the petitioner cannot be considered. Whereas in the

order dated 29/12/2003, the reason indicated for rejecting the request of the petitioner was that the land which the petitioner requested for being granted, does not have any specific boundaries and the land therefore, cannot be specified. It was also stated that there are other claimants also for the land in question.

4. From the above discussion, it can be seen that the request of the petitioner came to be rejected for the different reasons by the Collector. If the petitioner has rendered his selfless service for Indian Army, his request for being considered for allotment of agricultural land for personal cultivation should be considered by the Government in light of Government Policy. For the above purpose while quashing and setting aside the order dated 4/5/2002 passed by the Collector as confirmed by order dated 26/7/2004 passed by the Government, as well as, order dated 29/12/2003 passed by Collector the proceedings are remanded back to the Collector, Junagadh for fresh consideration in light of the observations made in this order, after giving an opportunity to the petitioner to produce additional material on record if he so wishes. If the petitioner produces such material within a period of two weeks from

today after considering such material, the Collector shall take a fresh decision as expeditiously as possible and preferably within a period of four months from today. With these directions, the petition is disposed of. Rule made absolute to the above extent.

5. Direct Service permitted.

(Akil Kureshi, J.)

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